

**REMARKS**

Claims 1-13, 17 and 22 are pending in this application. Claims 1 and 13 are the independent claims. Claim 22 is added. No new matter is added. No claims are amended in response to the outstanding rejections.

**Rejections under 35 U.S.C. §102**

***WO 99/056295***

Claims 1-8, 10-13 and 17 stand rejected under 35 U.S.C. §102(b) as being anticipated by International Publication No. WO 99/056295 (hereinafter “ABB”). Applicants respectfully traverse this rejection for the reasons detailed below.

ABB fails to disclose the claim features as alleged in the Office Action. For example, ABB fails to disclose an electromagnetic switching device, comprising ... an additional appliance, connected to the basic appliance ... the additional appliance including, an extension, connected to the contact link support in such a way that the extension is positively guided by the contact link support, as recited in independent claim 1 or the similar features recited in claim 13.

ABB relates to a relay having a first locking device 4 that includes a sliding pin or moving rod 6 arranged on an outside of the cover 1. A second locking device includes a recess 11 arranged in the armature 10. The cover 1 has a passageway 5 that is positioned adjacent to the recess 11 in the armature 10.

It is alleged in the Office Action that the armature 10 corresponds to the claimed “contact link support and the moving rod 6, 6a corresponds to the claimed “extension.” Thus, it is alleged that the moving rod 6, 6a is connected to the armature 10 in such a way that the moving rod 6 is positively guided by the armature 10.

However, the elements 6 and 6a are the elements which block the contact link support 10 (see, for example, pg 4, line 30-pg 5, line 25). In other words, if the rod 6, 6a of the first locking device is not inserted into the recess 11, 11a of the second locking device, then the contact link support (armature 10) and along with it also the recess 11, 11a can be moved freely (i.e., there is no simultaneous, forced movement of the moving rod 6, 6a since there is no connection to the contact link support 10). However, if the moving rod 6, 6a of the first locking device is inserted into the recess 11, 11a of the second locking device then a movement of the contact link support 10 is no longer possible. Accordingly, the moving rod 6, 6a does not correspond to the claimed “extension” because, as clearly recited in ABB the moving rods 6, 6a are locking elements. Therefore, ABB fails to disclose an extension, connected to the contact link support in such a way that the extension is positively guided by the contact link support.

Regarding claim 3, ABB fails to disclose that the alleged locking element holder (first locking device 4) has parallel sides that are open on both sides to receive the locking element (pad lock 9).

Regarding claim 6, the Office Action fails to provide any corresponding structure for the claimed “additional switch” and therefore fails to establish *prima facie* anticipation of claim 6.

Regarding the “auxiliary switch” recited in claim 11, the Office Action fails to provide any corresponding structure for the claimed “auxiliary switch” and therefore fails to establish *prima facie* anticipation of claim 11. It is also alleged that the “recitation of an auxiliary switch housing is connectable to the switching device, it has been held that the recitation that an element is ‘capable of’ performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in a patentable sense.”

Applicants respectfully submit that the recitation of “connectable” is not “capable of,” but rather recites a positive structural limitation of an auxiliary switch housing that houses the

additional structural feature of the auxiliary switch. Therefore, the claim recites a patentable feature.

As ABB fails to disclose each and every feature recited in the rejected claims, Applicants respectfully request that the rejection to Claims 1-8, 10-13 and 17 under 35 U.S.C. §102(b) be withdrawn.

### **Rejections under 35 U.S.C. §103**

*WO 99/056295*

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over ABB. Applicants respectfully traverse this rejection for the reasons detailed below.

Claim 9 is allowable for its dependency on independent claim 1 for the reasons discussed above, as well as for the additional features recited therein.

The Applicants, therefore, respectfully request that the rejection to Claim 9 under 35 U.S.C. §103(a) be withdrawn.

### **New Claim**

ABB fails to disclose or suggest the additional features recited in new claim 22. For example, ABB fails to disclose or suggest the switching device as claimed in claim 1, wherein the extension is arranged within the additional appliance when not mechanically blocked by the locking element.

### **CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the

present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

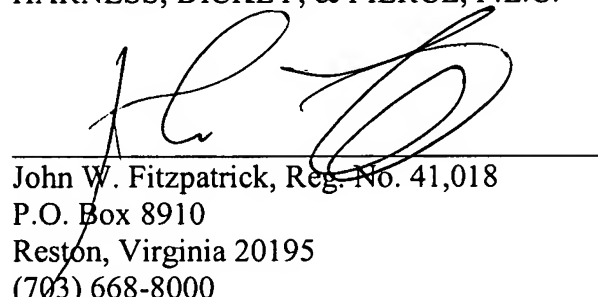
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John Fitzpatrick, Reg. No. 41,018, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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